IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 465 OF 2007
IN
CRIMINAL APPLICATION NO. 1825 OF 2007

Santosh Vitthal Kangude. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

M.B.Zanwar for the applicant.

S.S.Pednekar, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 7th September 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with CR.No.279/2006 registered with Swargate Police Station, Pune for the offences punishable under sections 109, 120(B), 143, 147, 149, 302 and 506 of Indian Penal Code and sections 3(25), 4(25) of the Arms Act.

3. The prosecution case is that the deceased Sudhir Rasal and the complainant had gone to the Juice Bar at about 8.30 p.m. on 16th March 2006. The complainant Ghone entered the juice bar to collect

parcel; whereas the deceased was standing outside. He heard shouts and screams of deceased and found that the deceased was assaulted by 7-8 persons with Koyta and Sattur. The complainant rushed across the road and called the police but, in the meanwhile, accused ran away. Injured Sudhir was taken to hospital where he succumbed to his injuries.

4. The owner of the juice bar is one Nitin Gosavi is the complainant. His statement came to be recorded. A copy thereof is annexed as Annexure A to the application.

5. Present applicant was arrested on 7th April 2006. It appears that there was a dispute between the accused and deceased Rasal on account of some immovable property. The prosecution case is that the applicant is involved in the conspiracy to kill the deceased.

6. The learned counsel appearing for the applicant submits that the co-acused one Ram Bharat Jagdale has already been released on bail by this Court vide order dated 5th December, 2006 passed in Criminal Application No.4035/2006. He, therefore, submits the applicant would be entitled to bail on parity.

7. The learned A.P.P., though, opposed this application, however could not take his submission to the logical end so far as parity is concerned.

8. In the above view of the matter, I am inclined to grant bail in favour of the applicant, subject to the following conditions:

(a) The applicant, arrested in connection with CR.No.279/2006 registered with Swargate Police Station, Pune shall be enlarged on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount.

(b) The applicant shall report to the concerned Police Station once in a week, i.e. on every Monday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential

address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

9. Application stands disposed of accordingly.

JUDGE